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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,068	10/11/2001	Tim M. Hoberock	10010811-1	1566

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EXAMINER
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TRAN, ELLEN C

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/976,068

Applicant(s)

HOBEROCK ET AL.

Examiner

Ellen C. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-16 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-16, and 21-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

1. This action is responsive to communication: 27 April 2006 with acknowledgement of an original application filing date of 11 October 2001.
2. Claims 1-7, 9-16, and 21-28 are currently pending in this application. Claims 1, 9, 22, 23, 26, and 27 are independent claims. Claims 1, 22, 23, 26, and 27 have been amended. Amendments to the claims are accepted.

***Response to Arguments***

3. Applicant's arguments with respect to 1-7, 9-16, and 21-28 have been considered but they are moot due to new grounds of rejection.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-3, 6, 9-11, 14, 16, 23, and 27 rejected under 35 U.S.C. 102(a) as being anticipated by Lopes U.S. Patent No. 6,189,105 (hereinafter '105).

**As to independent claim 9, “A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising: timing a period during which said equipment receives no user input and placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-**

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**determined period during which no user input is received”** is taught in ‘105 col. 2, lines 14-26;

**“re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user”** is shown in ‘105 col. 2, lines 27-35.

**As to dependent claim 10, “wherein said piece of office equipment is a computer or computer terminal”** is disclosed in ‘105 col. 2, line 16.

**As to dependent claim 11, “further comprising using a proximity card sensor as said lock control device”** is taught in ‘105 col. 3, lines 14-31.

**As to dependent claim 14, “further comprising accessing a particular application residing on said computer or accessible through said computer terminal by presenting an identifier of said authorized user to said sensor of said lock control device”** is shown in ‘105 col. 3, lines 52-62.

**As to dependent claim 16, “further comprising: timing periods during which said computer or computer terminal receives no user input; locking up or logging out said computer upon elapse of a pre-determined period during which no user input is received; and unlocking or logging in said computer upon operation of said lock control device”** is disclosed in ‘105 col. 4, lines 33-51.

**As to independent claim 1**, this claim is directed to a system of the method of 9; therefore it is rejected along similar rationale.

**As to dependent claims 2, 3, and 6**, these claims contain substantially similar subject matter as claims 10, 11, and 14; therefore they are rejected along the same rationale.

**As to independent claim 27**, “A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising: timing a period during which said equipment receives no uses input and placing said equipment or resource available through said equipment into a locked state upon elapse of a pre-determined period during with no use input is received; and” is taught in ‘105 in col. 2, lines 14-26;

“re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to said sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user” is shown in ‘105 col. 2, lines 27-35;

“where said identifier comprises a credit card” is disclosed in ‘105 col. 3, lines 14-31.

**As to independent claim 23**, this claim is directed to a system of the method of claim 27; therefore it is rejected along similar rationale.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 21 and 25**, are rejected under 35 U.S.C. 103(a) as being unpatentable over ‘105.

As to dependent claims 21 and 25, the following is not explicitly taught in ‘105 **“further comprising: initially unlocking said computer or computer terminal with entry of at least one password; and allowing a user to subsequently unlock said computer or computer terminal by presentation of said user identifier rather than re-entry of said at least one password”** however ‘105 teaches in col. 8, lines 10-22 “the present invention does not preclude and in fact prefers the use of passwords in addition to the continuous authorization in accordance with the principles of the present invention to provide increased security” in addition “those skilled in the art will be able to make various modification to described embodiment of the invention without departing from the true spirit and scope of the invention”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify a proximity detection of a valid computer user taught in ‘105 to include a means to

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incorporate previously utilized password entry mechanisms. One of ordinary skill in the art would be motivated to make such a modification to because as indicated by the Summary of the Invention the principle of the invention is to enable a computer when a valid user is present and disable the computer when the valid user is not present, also see '105 (col. 5, lines 1-7) "For instance, once a suitable password has been entered, complete access to network resources may be granted until the computer is powered down. The present invention provides a continuous check for an authorized user to prevent further operation of the relevant feature of the computer as the authorized user leaves the proximity of the computer".

8. **Claims 22 and 26**, are rejected under 35 U.S.C. 103(a) as being unpatentable over '105.

**"As to independent claim 26, "A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising: timing a period during which said equipment receives no user input and placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input is received; and "** is taught in '105 col. 2, lines 14-26;

**"re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user"** is shown in '105 col. 2, lines 27-35

the following is not explicitly taught in '105

**“further comprising: initially unlocking said computer or computer terminal with entry of at least one password; and allowing a user to subsequently unlock said computer or computer terminal by presentation of said user identifier rather than re-entry of said at least one password”** however '105 teaches in col. 8, lines 10-22 “the present invention does not preclude and in fact prefers the use of passwords in addition to the continuous authorization in accordance with the principles of the present invention to provide increased security” in addition “those skilled in the art will be able to make various modification to described embodiment of the invention without departing from the true spirit and scope of the invention”

**“unlocking said piece of office equipment with said identifier for a second predetermined period after entry on of said at least one password, with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time, said second predetermined period of time being longer than said first predetermined period of time”** however '105 teaches “Step 212 checks the value of the security counter to determine if it is time to check for the presence of the proximity badge 100. If the security timer has not yet reached its present maximum value (determined by the user based on their particular needs), then step 2112 repeats. Once the security counter has reached the maximum count, i.e., the point at which it is desired to check for the presence of the proximity badge 100, then the process return to step 202 to search for the receipt of the coded



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message” in col. 5, lines 23-39 as well as ‘105 teaches in col. 8, lines 10-22 that alteration with password and variations are within the scope of the invention.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify a proximity detection of a valid computer user taught in ‘105 to include a means to incorporate previously utilized password entry mechanisms. One of ordinary skill in the art would be motivated to make such a modification to because as indicated by the Summary of the Invention the principle of the invention is to enable a computer when a valid user is present and disable the computer when the valid user is not present, also see ‘105 (col. 5, lines 1-7) “For instance, once a suitable password has been entered, complete access to network resources may be granted until the computer is powered down. The present invention provides a continuous check for an authorized user to prevent further operation of the relevant feature of the computer as the authorized user leaves the proximity of the computer”.

As to independent claim 22, this claim is directed to a system of the method of claim 26; therefore it is rejected along similar rationale.

9. **Claims 4, 5, 7, 12, 13, 15, 24, and 28**, are rejected under 35 U.S.C. 103(a) as being unpatentable over ‘105 in view of Gulick et al. U.S. Patent No. 6,823,451 (hereinafter ‘451).

**As to dependent claim 12**, the following is not explicitly taught in ‘105: “**further comprising using a magnetic card reader as said lock control device**” however ‘451 teaches a card reader as a lock control device in col. 8, lines 46-56.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify a proximity detection of a valid computer user taught in ‘105 to include a means to

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incorporate various mechanisms into the lock control device. One of ordinary skill in the art would be motivated to make such a modification to because as indicated in '105 various modifications can be performed without departing from the scope of the invention see '105 (col. 8, lines 17) "While the invention has been described with reference to the exemplary preferred embodiment thereof, those skilled in the art will be able to make various modification to the described embodiment of the invention without departing from the true spirit and scope of the invention" as well as '105 col. 3, lines 52-63 "'The communication between the proximity badge 100 and the proximity reader 120 may be wireless radio frequency (RF), or infrared (IR) optics) .. of the proximity reader".

**As to dependent claim 13, "further comprising connecting said lock control device to said computer or computer terminal via a connector that also connects a keyboard to said computer or computer terminal"** is disclosed in '451 col. 8, lines 46-56 and '451 col. 1, lines 57-65.

**As to dependent claim 15, "further comprising accessing a network server on a computer network to which said computer is connected by presenting an identifier of said authorized user to said lock control device"** is shown in '451 col. 47, line 59 through col. 48, line 3.

**As to dependent claim 28, wherein said identifier comprises a biological characteristic of said user"** is shown in '451 col. 8, lines 46-56.

**As to dependent claims 4, 5, 7, and 24,** these claims contain substantially similar subject matter as claims 12, 13, 15, and 28; therefore they are rejected along similar rationale.

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*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques H. Louis-Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ECT

Ellen Tran  
Patent Examiner  
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28 June 2006

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